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General Assembly

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Fifty-sixth session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 19 November 2001 from the Permanent Representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

We have the honour to convey to you the text of the exchange of notes (see annex) recording an understanding between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Argentine Republic to carry out a feasibility study on the clearance of land mines in the Falkland Islands (Islas Malvinas).

We request that the present letter and its annex be circulated as a document of the General Assembly, under item 45 of the agenda.

(*Signed*) Arnoldo M. **Listre**
Ambassador
Permanent Representative of the
Argentine Republic to the United Nations

(*Signed*) Jeremy **Greenstock**
Ambassador
Permanent Representative of the
United Kingdom of Great Britain and Northern Ireland
to the United Nations

01-65037 (E) 231101 231101

Annex to the letter dated 19 November 2001 from the Permanent Representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Buenos Aires, 11 October 2001

Your Excellency,

I have the honour to refer to the shared commitment of our two Governments to carry out a feasibility study on the clearance of land mines in the Falkland Islands (Islas Malvinas), as referred to in the Joint Statement of 14 July 1999, and in the light of the obligations in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (hereinafter the "Ottawa Convention"), to make the following proposals.

1. The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter the "United Kingdom") and the Government of the Argentine Republic agree that the following formula on sovereignty, based on the formula contained in the Joint Statement of 19 October 1989, applies to this Exchange of Notes and to the arrangements made therein, as well as to their results:

(1) Nothing in the content of this Exchange of Notes and the arrangements made therein, or in the outcome thereof, shall be interpreted as:

a) a change in the position of the United Kingdom with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

b) a change in the position of the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

c) recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

(2) No act or activity carried out by the United Kingdom, the Argentine Republic or third parties as a consequence or in application and/or interpretation of this Exchange of Notes and the arrangements made therein, or of their results, shall constitute a basis for affirming, supporting, denying or undermining the position of the United Kingdom or the Argentine Republic regarding the sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

Feasibility Study

2. A feasibility study (hereinafter "the Study") shall be carried out regarding clearance of land mines in the Falkland Islands (Islas Malvinas).

Phases and Content of the Study

3. The Study will be carried out in three phases:

3.1. A Preliminary Study, which will consist of an initial assessment to determine, inter alia: the objectives, methodology, stages of implementation, timetable and resources required for the work needed during each implementation phase of the Main Study. In this phase, both Governments will provide any documentation and information at their disposal needed for carrying out the Study, in particular records of minefields.

3.2. A Main Study, which will include execution of the work for which the Preliminary Study has established a need, and which may include:

3.2.1. conducting an analysis of minefields in order to determine their location, composition and density and the distribution of the land mines which they contain;

3.2.2. conducting an analysis of soil conditions in the minefields, including its composition and vegetation, where the Joint Working Party considers it to be necessary;

3.2.2. assessing the availability and suitability of the methods and techniques normally used to detect, clear and dispose of land mines;

3.2.4. establishing procedures for clearing land mines which are consistent with the International Standards for Humanitarian Mine Clearance Operations applicable at the time this Exchange of Notes takes effect;

3.2.5. determining an order of priority among minefields for the clearance of land mines, taking into account nearness to centres of population, based on the most efficient use of the human, material and financial resources required to perform the task;

3.2.6. identifying the institutions or organisations which satisfy the necessary criteria for performing the task of land mine clearance, duly complying with the parameters laid down for such work, and evaluating the information technology requirements for handling that task;

3.2.7. evaluating the costs and risks – including environmental risk -of each option viewed as technically feasible and producing a cost-benefit analysis, establishing an order of preference for the various options.

3.3. A Final Report, which will set out the conclusions reached after carrying out the

Preliminary and Main Studies and which will make recommendations to both Governments regarding future action.

Carrying out the Study

4.1 The Study will be carried out by both Governments by means of a joint British-Argentine working party (hereinafter "the Joint Working Party"). The Joint Working Party will be made up of Delegations appointed by each Government, and will meet at the request of either Government at a time and place convenient to both. The Joint Working Party will act by common accord and in accordance with the provisions of this Exchange of Notes.

4.2 Two project managers could be appointed by the Joint Working Party to manage the conduct of the Study, one of them to be appointed by the Government of the United Kingdom and the other by the Government of the Argentine Republic. The Joint Working Party will retain overall control of the feasibility study at all times and for all phases of the Study.

5 The Joint Working Party will determine the timetable and manner of carrying out the Preliminary Study, and any work which is necessary in the Islands as well as its scope.

6. The Joint Working Party may recommend commissioning any experts which it considers necessary to advise it on substantive matters which arise while the Study is being carried out.

7. The Joint Working Party may recommend consulting organisations which specialise in land mine clearance and asking them for opinions and advice.

8. The Joint Working Party will approve successively

8.1 the conclusions of the Preliminary Study;

8.2 the conclusions of the various phases of the Main Study, in accordance with the timetable and methodology laid down by the Preliminary Study;

8.3 the conclusions of the Final Report.

Financing the Study

9. The Government of the Argentine Republic shall bear the costs entailed by the Study with respect to land mines which were laid by the Argentine Armed Forces in the Falkland Islands (Islas Malvinas).

10. The Government of the United Kingdom shall bear the appropriate proportion of the costs entailed by the Study with respect to land mines which were laid by the British Armed Forces in the Falkland Islands (Islas Malvinas).

11. The Joint Working Party will prepare the budgets for the various phases of the Study, and the Government of the Argentine Republic shall approve them as a pre-requisite for releasing the funds for carrying out the work. The Government of the United Kingdom shall do likewise to the appropriate extent.

12. The Joint Working Party will produce accounts for expenditure actually incurred during each phase of the work of the Study, and the Government of the Argentine Republic shall approve them. The Government of the United Kingdom shall do likewise to the appropriate extent.

The Applicable Law

13. The applicable law will be the international rules and standards in force. If acts or activities relating to the practical implementation of the Study indicated that other rules were to be applied,

such rules and their application shall have an ad hoc nature, a necessary consequence of this Exchange of Notes and as such shall be subject to the formula on sovereignty agreed above.

Communication

14. Both Governments will jointly send the text of this understanding to the Secretary-General of the United Nations for distribution as an official document of the General Assembly, under the heading "Question of the Falkland Islands (Malvinas)" of the agenda for the 56th Session. The Final Report will be similarly forwarded.

15. Both Governments will submit the relevant reports, in the light of requirements under the Ottawa Convention.

If the foregoing proposals are acceptable to the Government of the United Kingdom, I have the honour to propose that this Note together with Your Excellency's reply in that sense should constitute the understanding reached between our two Governments in this matter, which will take effect on the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(*Signed*) Rodriguez Giavarini

Adalberto **Rodriguez Giavarini**

11 October 2001

Mr. Minister,

I have the honour to refer to your Note of the 11 October 2001, which reads as follows:

Your Excellency,

I have the honour to refer to the shared commitment of our two Governments to carry out a feasibility study on the clearance of land mines in the Falkland Islands (Islas Malvinas), as referred to in the Joint Statement of 14 July 1999, and in the light of the obligations in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (hereinafter the "Ottawa Convention"), to make the following proposals.

1. The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter the "United Kingdom") and the Government of the Argentine Republic agree that the following formula on sovereignty, based on the formula contained in the Joint Statement of 19 October 1989, applies to this Exchange of Notes and to the arrangements made therein, as well as to their results:

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c) recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas

(2) No act or activity carried out by the United Kingdom, the Argentine Republic or third parties as a consequence or in application and/or interpretation of this Exchange of Notes and the arrangements made therein, or of their results, shall constitute a basis for affirming, supporting, denying or undermining the position of the United Kingdom or the Argentine Republic regarding the sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

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3.2.2. conducting an analysis of soil conditions in the minefields, including its composition and vegetation, where the Joint Working Party considers it to be necessary;

3.2.2. assessing the availability and suitability of the methods and techniques normally used to detect, clear and dispose of land mines;

3.2.4. establishing procedures for clearing land mines which are consistent with the International Standards for Humanitarian Mine Clearance Operations applicable at the time this Exchange of Notes takes effect;

3.2.5. determining an order of priority among minefields for the clearance of land mines, taking into account nearness to centres of population, based on the most efficient use of the human, material and financial resources required to perform the task;

3.2.6. identifying the institutions or organisations which satisfy the necessary criteria for performing the task of land mine clearance, duly complying with the parameters laid down for such work, and evaluating the information technology requirements for handling that task;

3.2.7. evaluating the costs and risks – including environmental risk -of each option viewed as technically feasible and producing a cost-benefit analysis, establishing an order of preference for the various options.

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Preliminary and Main Studies and which will make recommendations to both Governments regarding future action.

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7. The Joint Working Party may recommend consulting organisations which specialise in land mine clearance and asking them for opinions and advice.

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8.1 the conclusions of the Preliminary Study;

8.2 the conclusions of the various phases of the Main Study, in accordance with the timetable and methodology laid down by the Preliminary Study;

8.3 the conclusions of the Final Report.

Financing the Study

9. The Government of the Argentine Republic shall bear the costs entailed by the Study with respect to land mines which were laid by the Argentine Armed Forces in the Falkland Islands (Islas Malvinas).

10. The Government of the United Kingdom shall bear the appropriate proportion of the costs entailed by the Study with respect to land mines which were laid by the British Armed Forces in the Falkland Islands (Islas Malvinas).

11. The Joint Working Party will prepare the budgets for the various phases of the Study, and the Government of the Argentine Republic shall approve them as a pre-requisite for releasing the funds for carrying out the work. The Government of the United Kingdom shall do likewise to the appropriate extent.

12. The Joint Working Party will produce accounts for expenditure actually incurred during each phase of the work of the Study, and the Government of the Argentine Republic shall approve them. The Government of the United Kingdom shall do likewise to the appropriate extent.

The Applicable Law

13. The applicable law will be the international rules and standards in force. If acts or activities relating to the practical implementation of the Study indicated that other rules were to be applied,

such rules and their application shall have an ad hoc nature, a necessary consequence of this Exchange of Notes and as such shall be subject to the formula on sovereignty agreed above.

Communication

14. Both Governments will jointly send the text of this understanding to the Secretary-General of the United Nations for distribution as an official document of the General Assembly, under the heading "Question of the Falkland Islands (Malvinas)" of the agenda for the 55th Session. The Final Report will be similarly forwarded.

15. Both Governments will submit the relevant reports, in the light of requirements under the Ottawa Convention.

If the foregoing proposals are acceptable to the Government of the United Kingdom, I have the honour to propose that this Note together with Your Excellency's reply in that sense should constitute the understanding reached between our two Governments in this matter, which will take effect on the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

I have the honour to confirm that the Government of the United Kingdom accepts the arrangements proposed in Your Excellency's Note and that Your Excellency's Note and this reply record the understanding of our two Governments with regard to this matter.

(*Signed*) Robin Christopher

Robin **Christopher**
HM Ambassador

United Nations A/56/640-S/2001/1094

General Assembly
Security Council

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21 November 2001

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General Assembly
Fifty-sixth session
Agenda item 68
Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe

Security Council
Fifty-sixth year

Letter dated 19 November 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I have the honour to convey herewith the text of the statement by H.E. Mr. Boris Trajkovski, President of the Republic of Macedonia, dated 16 November 2001 following the adoption of the constitutional amendments to the Constitution of the Republic of Macedonia by the Assembly of the Republic of Macedonia (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 68, and of the Security Council.

(*Signed*) Srgjan **Kerim**
Ambassador
Permanent Representative

01-65284 (E) 211101

Annex to the letter dated 19 November 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

Statement of the President of the Republic of Macedonia

I have the pleasure to welcome the adoption of the changes to the Constitution by the Assembly of the Republic of Macedonia, in the early morning hours today.

Allow me:

- To congratulate the members of the Parliament who voted — to those that voted in favour, to those that voted against and to those that abstained. Their participation in this process showed that our democratic values and ideals have prevailed over the law of violence.
- To thank our friends from the international community who showed patience and worked with us in this endeavour.
- To congratulate the leaders of the other parties for their work and commitment in achieving peace during the whole process. This victory belongs to all the citizens of the Republic of Macedonia.

We have a great deal of work before us. We must immediately re-establish the sovereignty and the rule of law throughout the whole territory of Macedonia. We must ensure the return of the displaced persons to their homes before the start of winter. We must reconstruct their homes and repair the infrastructure. We must ensure the return of the children to school. We must initiate the process of healing and the overcoming of differences. We must never forget what happened to our country during this year, but we must learn to forgive and continue to step forward in the realization of the tasks ahead of us.

We now call upon the international community to help. We have fulfilled our share of commitments; now they have to fulfil their share. We expect an unreserved support and involvement from the international community for the return of the security forces to the crisis regions. We call for the early organization of the donors' conference that was promised. We must renew our shattered economy, and that conference would mark only the beginning of the process. We renew our call on the international community for the recognition of our constitutional name: Republic of Macedonia. This would represent a true support to our sovereignty and identity, and a huge contribution to lasting stability in the region.

We have welcomed the position of the United States of America that it will characterize all future acts of armed provocation by Albanian groups in Macedonia as acts of terrorism. We call upon all those that think that violence is a solution to the problems, to lay down their arms and to reintegrate in the community. Fighting has no logic. Violence is not a response; economic development is.

From now on we shall be focused on the bright future of Macedonia. Economic development is crucial to our success, and will once again make us a factor of stability. Macedonia and all its citizens must focus on economic reforms, the fight against corruption, attracting foreign capital and the enhancement of regional cooperation. Macedonia is deeply convinced that membership in Euro-Atlantic integration, in the North Atlantic Treaty Organization (NATO) and in the European

Union are necessary preconditions to its stability, security and development. We will complete our indispensable obligations for membership and we call upon the international community to assist us in the realization of our goals.

The courage shown by the members of Parliament in adopting this huge decision, in very difficult circumstances, makes me confident that Macedonia is on the right path.

United Nations A/56/641–S/2001/1099

General Assembly
Security Council

Distr.: General
21 November 2001

Original: English

General Assembly
Fifty-sixth session
Agenda items 42 and 166

Security Council
Fifty-sixth year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 19 November 2001 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

I have the pleasure of enclosing the press communiqué of the twenty-fifth special session of the Ministerial Council of the Cooperation Council for the Gulf Arab States, held at Jeddah, Saudi Arabia, on 23 September 2001 (see annex).

I would appreciate your issuing the present letter and its annex as a document of the General Assembly, under agenda items 42 and 166, and of the Security Council.

(*Signed*) Jassim M. **Buallay**
Ambassador
Permanent Representative

01-65298 (E) 231101

Annex to the letter dated 19 November 2001 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

Press communiqué issued by the Ministerial Council of the Gulf Cooperation Council at its twenty-fifth special session, held in Jeddah on 23 September 2001

On Sunday, 23 September 2001, the Ministerial Council of the Gulf Cooperation Council (GCC) held its twenty-fifth special session in Jeddah, Saudi Arabia, under the chairmanship of His Excellency Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of the State of Bahrain and Chairman-in-Office of the Ministerial Council.

The Ministerial Council considered with deep concern the grievous consequences of the devastating attacks on economic and governmental establishments in the United States of America. It voiced its censure and condemnation of these savage acts of terrorism and conveyed its condolences and sympathy to the Government and people of the United States of America and to the families of the victims.

The Ministerial Council affirmed that the GCC States would support and would cooperate fully in international efforts to identify the perpetrators of the terrorist acts and bring them to justice.

In this connection, the Ministerial Council commended the fact that the President of the United States had called upon Americans not to mistreat Arab and Muslim citizens or residents of the country and that he had stated that Islam was a religion of peace and love and one that rejected violence and forbade the killing of innocents and civilians.

The Ministerial Council urged the Security Council and the co-sponsors of the peace process, the United States and the Russian Federation, as well as the European Union and its member States, not to allow preoccupation with the multitude of complications caused by the events in question to prompt disregard for the State terrorism that the Government of Israel practises against the Palestinian people or for its dangerous escalation of the situation in the region. The Council alerted the international community to the need for it to meet its responsibilities and to do its utmost to make strenuous efforts to halt the violence and Israel's savage practices, to ensure the provision of international protection to the Palestinian people and to end the occupation of all the Arab and Palestinian territories.

The Council expressed its sincere wishes for Almighty God to grant a speedy recovery to His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait, and to accord him bountiful good health so that, together with his brother leaders of the GCC States, he may maintain the propitious course of the Gulf Cooperation Council.

United Nations A/56/642-S/2001/1100

General Assembly
Security Council

Distr.: General
23 November 2001
English
Original: English/French

General Assembly
Fifty-sixth session
Agenda items 41 and 42

Question of Palestine

The situation in the Middle East

Security Council
Fifty-sixth year

Report of the Secretary-General*

I. Introduction

1. The present report is submitted in pursuance of General Assembly resolution 55/55 of 1 December 2000 on the peaceful settlement of the question of Palestine.

2. On 19 July 2001, the Secretary-General, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 55/55, which the General Assembly adopted on 1 December 2000, at its fifty-fifth session, under the agenda item entitled 'Question of Palestine'.
>
> "In paragraph 9 of the resolution, the General Assembly '*request*[ed] the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you kindly convey to me the views of the Security Council by 28 September 2001."

3. On 28 September 2001, the following reply was received from the Security Council:

> "The members of the Security Council are following with grave concern the tragic deterioration of the situation in the Middle East. They strongly condemn all acts of terrorism and violence and urge the parties to apprehend and punish the perpetrators. They call for the immediate cessation of violence and for the resumption of political dialogue towards the aim of achieving a just, lasting and comprehensive settlement between the Israeli and Palestinian sides. They urge all parties to fully respect the commitments they have assumed under existing agreements. They urge all parties to scrupulously abide by their legal obligations and responsibilities under international law, in particular humanitarian law.
>
> "In resolution 1322 (2000), adopted on 7 October 2000, the members of the Security Council expressed their deep concern at the tragic events that had led to numerous deaths and injuries, mostly among Palestinians. They reaffirmed that a just and lasting solution to the Arab and Israeli conflict must be based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process. They called for the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early

* The present report has been submitted after the established deadline in order to include as much updated information as possible.

01-65393 (E) 261101 271101

final settlement between Israeli and Palestinian sides and urged the two sides to cooperate in those efforts. They reaffirmed the need for full respect by all of all of the Holy Places and condemned any behaviour to the contrary. They called for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceased and that new provocative actions were avoided.

"They also welcomed the publication of the Mitchell Committee report in May 2001. They fully supported all its recommendations and called upon the parties immediately to begin the steps required to implement the recommendations, including those on confidence-building measures. Many also expressed their belief that a third-party monitoring, accepted by both parties, would serve their interest in implementing the report.

"The members of the Security Council are more than ever determined to follow the ongoing efforts towards a just, lasting and comprehensive final settlement between the Israeli and Palestinian sides and to provide it with the necessary support. In that connection, they express their full backing to all efforts, in particular the work of the Secretary-General and his special envoy in the region, to bring violence to an end, resume political dialogue, rebuild confidence and advance the prospects for a just and lasting peace. In this respect, they declare their full support for the recent contacts between the parties at a high level."

4. In notes verbales dated 18 and 24 July 2001 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 15 November 2001, the following replies had been received:

Note verbale dated 26 September 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"As the Secretary-General is aware, Israel voted against this resolution, as well as against similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.

"Israel views the aforementioned General Assembly resolution not only as being unbalanced, but also as an undue interference in matters which the parties have agreed to resolve within the context of direct bilateral negotiations.

"The current violence in the region is a result of a Palestinian decision to abandon peace negotiations and pursue their goals through violence and terrorism. The one-sided approach reflected in the resolution, which seeks to dictate the outcome of the negotiating process, effectively rewards violence at a time when the Palestinian side should be compelled to renounce all acts of violence and terrorism and return to the path of peaceful dialogue."

Note verbale dated 17 October 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 55/55 is the main political resolution regarding the question of Palestine, and it was adopted during the fifty-fifth session by an overwhelming majority (149-2-3), reflecting the firm convictions of the international community with regard to the content and meaning of the resolution. The Assembly has adopted a similar text in recent years also by overwhelming majorities, conveying a long-established position by the international community on the issue. This resolution recalls several principles of international law and of the Charter of the United Nations, provides support for the peace process and for implementation of the agreements reached and also sets forth the basis for the just settlement of the question of Palestine, which is indeed the crux of the Arab-Israeli conflict. The resolution emphasizes as well the importance of a more active and expanded role for the United Nations in this process. In sum, the resolution should serve as an acceptable basis for all parties to address and resolve these important issues.

"In addition to the reaffirmation of principles regarding the question, resolution 55/55 addresses the deterioration of the situation

on the ground in the Occupied Palestinian Territory, including Jerusalem, and the difficulties facing the Middle East peace process. In the resolution, the General Assembly expresses its deep concern over the tragic events in Occupied East Jerusalem and the Occupied Palestinian Territory since 28 September 2000. Moreover, it calls upon the concerned parties, the co-sponsors of the peace process and other interested parties, as well as the entire international community, to exert all the necessary efforts and initiatives to immediately reverse all measures taken on the ground since 28 September 2000, in implementation of the Sharm el-Sheikh understandings and to ensure a successful and speedy conclusion of the peace process. However, the situation on the ground has continued to deteriorate due to the refusal of the Israeli side to implement the understandings and its failure to adhere to prior agreements reached between the two sides and to implement overdue positions in this regard.

"The dramatic decline of the situation on the ground over the past year has been characterized by an excessive and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, including children. The bloody military campaign waged by the occupying Power has resulted in the killing of more than 680 Palestinians as of the date of this note. Many of these killings have been wilful killings and targeted assassinations. Further, more than 25,000 Palestinians have been injured, many severely and permanently disabled. The Israeli occupying forces have also caused extensive destruction to Palestinian land, homes and infrastructure. In addition, Israel, the occupying Power, has imposed severe restrictions on the movement of persons and goods into and out of the Occupied Palestinian Territory, causing vast destruction to the already fragile Palestinian economy. The actions taken by the occupying Power in the course of its bloody military campaign constitute grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and thus qualify as war crimes. Further, the occupying Power has also committed actions of State terrorism and other serious violations of international law.

"The actions and measures taken by Israel, the occupying Power, have also violated relevant resolutions of the United Nations, including of the Security Council. In its resolution 1322 (2000) of 7 October 2000, the Council deplored the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000 and the subsequent violence throughout the territories occupied by Israel since 1967, which resulted in many Palestinian deaths and injuries. It also condemned acts of violence, especially the excessive use of force against Palestinians, and called for the immediate cessation of violence and for the establishment of a mechanism for a speedy and objective inquiry into the tragic events with the aim of preventing their repetition. The Council also invited the Secretary-General to continue to follow the situation and keep it informed.

"Israel, the occupying Power, did not comply with any of the provisions of the resolution. Rather it escalated its military campaign against the Palestinian people and continued with its military blockade, siege and even shelling of Palestinian towns and cities using tanks, helicopter gunships and fighter jets. In the light of this escalation and due to the inability of the Security Council to take action to bring an end to the escalation of this dangerous situation, the tenth emergency special session of the General Assembly resumed to consider the situation. The Assembly adopted resolution ES-10/7 on 20 October 2000, in which, inter alia, it stressed the urgent need for providing protection for the Palestinian civilians in the Occupied Palestinian Territory, condemned acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians, called for the reversal of all measures taken since 28 September 2000, and called for the prevention of acts of violence by Israeli settlers. The Assembly also supported the establishment of a mechanism of inquiry into the events, as well as the efforts of the Secretary-General, including his efforts for the establishment of a commission of inquiry.

"The Fact-Finding Committee established was formed by the United States of America, in consultation with the two sides as well as the Secretary-General, in accordance with the understanding reached at the Summit of Sharm

el-Sheikh. The Committee was established to determine what had happened since 28 September 2000 and how to avoid it from recurring in the future. The Sharm el-Sheikh Fact-Finding Committee presented its report, which came to be known as the Mitchell report, to the President of the United States on 30 April 2001. The report was also shared with the Secretary-General and the Palestinian and Israeli sides.

"The Israeli Government never wholeheartedly endorsed or accepted the recommendations contained in the report of the Fact-Finding Committee, especially that which called for a cessation of all Israeli settlement activity. In fact, Israel resisted any efforts by all parties that aimed at the full and speedy implementation of the recommendations. The Palestinian side, on the other hand, endorsed the Mitchell report and even proposed a high-level meeting for the participants of the Sharm el-Sheikh Summit to consider the Fact-Finding Committee's report and the implementation of its recommendations. The Palestinian side considers the report to be an important platform for guiding the necessary actions for ending the tragic situation and reviving the Middle East peace process.

"Palestine expresses its appreciation for the important role played by the Secretary-General in this regard. Palestine welcomed his participation in the Sharm el-Sheikh Summit of 17 October 2000, as well as the efforts he exerted during his visit to the region. The Secretary-General's participation, on behalf of the United Nations, has been essential for reaffirming the important role of the Organization in the efforts to end the deterioration of the situation on the ground and to resume the peace process negotiations towards a final settlement. Unlike the constructive role undertaken by the Secretary-General, the Security Council unfortunately failed to follow up resolution 1322 (2000), especially with regard to the establishment of an observer force to bring calm to the situation on the ground and prevent its further deterioration.

"As noted, the past year since the adoption of resolution 55/55 has witnessed the severe deterioration of the situation on the ground in the Occupied Palestinian Territory, including Jerusalem, which has seriously damaged the peace process and threatened the stability of the region as a whole. Recently, however, several important players on the international level have been sending encouraging signals, creating an almost unanimous position in support of the Palestinian State and intensifying the efforts to revive the peace process and bring it to a successful conclusion. What are needed now are not only serious efforts to implement the Mitchell report's recommendations, but also a new dynamism to ensure the achievement of a final settlement in a speedy manner. The United Nations could and should be of great assistance in this regard.

"In this connection, it should be reaffirmed that the many principles and components of the important resolution entitled 'Peaceful settlement of the question of Palestine', including principles of international law and the Charter of the United Nations, remain valid and essential in the search for a just and lasting solution to the decades-long question of Palestine. Respect for and adherence to such principles will ensure the success of the parties in arriving at a peaceful settlement of the question of Palestine."

II. Observations

5. It is a matter of grave concern that the present Israeli-Palestinian crisis has entered its second year with an escalation of violence, while the peace process remains stalled despite many international efforts to revive it. Tensions have increased constantly in the past year, which has been marked by a vicious cycle of violence and retaliation. In fact, we are dealing with the worst crisis in the Middle East since the 1993 Oslo Agreement.

6. In view of the seriousness of the situation, I have devoted a great deal of personal attention to this issue. I have maintained close and regular contacts with the parties and other leaders in the region and the international community to find a way forward. In my previous report on the question of Palestine (A/55/639-S/2000/1113), I informed the members of the General Assembly and the Security Council of the Summit meeting in Sharm el-Sheikh, Egypt, which was jointly chaired by Presidents Mubarak and Clinton on 16 and 17 October 2000.

7. Since the outbreak of the current Palestinian intifada at the end of September 2000, over 900 people

have been killed and many thousands have been injured, the vast majority of them Palestinians. I have repeatedly expressed concern that Israel's response to the violence has included a disproportionate use of military force and incursions into the areas under full Palestinian authority. I have condemned the practice of so-called "targeted assassinations" and attacks on civilians by settler groups. I have also strongly condemned acts of violence or terror from whatever quarter, especially indiscriminate suicide bombing attacks against Israelis by Palestinian groups, and called upon the Palestinian Authority to make a maximum effort to control violence. These tragic developments have greatly increased mutual distrust, hardened the positions of the two sides and strengthened extremist elements.

8. Since the beginning of the intifada, the level of poverty, misery and suffering among the Palestinians has increased dramatically. I have repeatedly called upon Israel to end the closures and economic blockade.

9. Over the past year, the situation in the Middle East, including the Palestinian question, has been the subject of extensive consultations and debates in the Security Council. Members of the Council held private meetings with Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority, on 10 November 2000, with the Ministerial Committee of the Organization of the Islamic Conference on 27 November 2000 and with Shimon Peres, Deputy Prime Minister and Minister for Foreign Affairs of Israel on 14 March 2001. On 7 October 2000, the Security Council adopted resolution 1322 (2000).

10. On 20 December 2000, on the basis of the Camp David understandings and subsequent talks, President Clinton presented to the parties a plan outlining a set of proposals ("parameters") for a final-status agreement. Both sides accepted those parameters with reservations. The plan was presented to the Israeli and Palestinian delegations at the resumed talks held in Washington from 19 to 23 December. In a further effort to reach an agreement before the prime ministerial elections in Israel, senior Israeli and Palestinian negotiators held talks in Taba, Egypt, from 21 to 27 January 2001. In a joint statement, the two sides declared that they had never been closer to reaching an agreement. Substantial progress was achieved in each of the issues discussed: refugees, security, borders and Jerusalem. However, given the circumstances and time constraints, it proved impossible to reach a final understanding on all issues.

11. As the parties remained deadlocked, further international efforts were made to revive the political process leading to a solution. In March, a serious discussion was generated by a joint Egyptian-Jordanian non-paper proposing steps to end the current crisis and to restart negotiations. It should be recalled in this connection that, prior to the submission of the paper, new circumstances had evolved, including the establishment of a national unity Government in Israel, headed by Prime Minister Ariel Sharon. The new Israeli Government declared that it would honour previous diplomatic agreements approved by the Knesset, but it would not conduct negotiations while the violence continued.

12. On 27 and 28 March 2001, I took part in the Summit of the League of Arab States in Amman. The crisis in the Middle East was a major topic of my discussions with heads of State and Foreign Ministers at the meeting. In my statement to the Summit I stressed that the international community and the Arab world had the right to criticize Israel for its continued occupation of Palestinian and Syrian territory, and for its excessively harsh response to the intifada. But I argued that those points could be made more effectively if many Israelis did not believe that their existence was under threat: Israel had a right, enshrined in numerous United Nations resolutions, to exist in safety within internationally recognized borders. I emphasized that what was needed was movement towards an agreement that responded both to the legitimate desire of the Palestinians for national independence, and to the legitimate claims of the Israelis to recognition and security.

13. The report of the Sharm el-Sheikh Fact-Finding Committee, known as the Mitchell report, which was released at the end of April, provided a viable basis for a return to the negotiating table, and I fully endorsed its recommendations. The Committee recommended a number of steps to end the violence by implementing an unconditional ceasefire and resuming security cooperation, rebuilding confidence by establishing a meaningful "cooling-off period" and implementing additional confidence-building measures, including a freeze by Israel of all settlement activity, to be followed by the resumption of negotiations. The report was accepted by both parties and widely acknowledged at the international level as a good basis to break the impasse. As a follow-up to the report, the parties reached agreement upon a ceasefire on 13 June 2001,

which was brokered by director of central intelligence George Tenet. I visited the region from 12 to 18 June 2001 to encourage the parties to consolidate the ceasefire and move towards full implementation of the Mitchell report.

14. It was encouraging that Foreign Minister Shimon Peres and President Yasser Arafat met on 26 September 2001 and agreed to resume full security cooperation and to exert maximum efforts to sustain the ceasefire. The meeting was made possible due in no small measure to painstaking international efforts, in particular involving the United States, the Russian Federation, the European Union and the United Nations, with the full support of Jordan and Egypt. The level of violent incidents declined and Israel took several positive steps, including the lifting of some internal closures. There were also significant statements by Member States, including the United States, envisioning the creation of a Palestinian State provided that Israel's right to exist was respected, which offered a new and important stimulus in the search for a lasting political solution.

15. Unfortunately, this progress was sharply disrupted when Israeli cabinet minister Rehavam Zeevi was assassinated on 17 October 2001 by gunmen belonging to the Popular Front for the Liberation of Palestine. I strongly condemned this terrorist act and called upon all parties to exercise maximum restraint. Following the assassination, Israeli forces launched a major incursion into Palestinian-controlled areas. The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority worked very closely with the representatives of the United States, the Russian Federation, the European Union and other countries in the region to de-escalate this dangerous situation. In this regard, the "Quartet" issued a joint statement on 25 October 2001, which was strongly supported in a statement to the press, also on 25 October 2001, by the President of the Security Council. It has also been supported by several Member States in their discussions with the parties.

16. On 11 November 2001, I met in New York with Secretary of State Colin Powell of the United States, Foreign Minister Igor Ivanov of the Russian Federation and the High Representative for Common Foreign and Security Policy of the European Union, Javier Solana. The "Quartet" welcomed President George Bush's statement to the General Assembly on the Middle East of 10 November 2001, in which he pledged to work towards the day when two States, Israel and Palestine, would live peacefully together within secure and recognized borders, as called for by Security Council resolutions. The "Quartet" encouraged their representatives in the field to continue working together to help the Israelis and the Palestinians find a way to resolve the current crisis in their relations.

17. The Ministers for Foreign Affairs of the five permanent members of the Security Council met with me on 12 November 2001 and issued a statement (see A/56/613-S/2001/1066, annex) strongly encouraging Israelis and Palestinians to take the necessary security, economic and political steps to move from confrontation to the resumption of a political process. The Ministers reiterated their condemnation of acts of terror and violence and their conviction that the only solution to the Israeli-Palestinian problem is through dialogue and negotiations. They called upon Israel to withdraw from all areas into which it had made incursions and to ensure greater restraint by the Israeli Defence Forces. They also called upon the Palestinian Authority to take all possible steps to put an end to violence. In that regard, they urged the parties to implement the Tenet plan and the recommendations of the Mitchell report, which the parties had accepted, as quickly as possible. The Ministers called upon the parties to create an environment in which the negotiations based upon Security Council resolutions 242 (1967) and 338 (1973) and the Madrid principles could resume.

18. I continue to believe that only a package solution based on the Mitchell report, including security and economic aspects but also a political component, can halt the cycle of violence, restore calm and create the right atmosphere for the resumption of sustainable peace talks. There is no alternative to a return to the negotiating table and to a peaceful settlement. However, the mutual distrust between the parties has reached such a level that without constant third-party involvement and encouragement they may not be able to break out of the current impasse. Therefore, at this critical juncture it is imperative to accelerate joint efforts with a view to generating new momentum towards a peaceful solution of the ongoing crisis.

19. The confrontation has had a devastating impact on the humanitarian and economic situation in the occupied Palestinian territory. Severe closures and

blockades have resulted in large-scale losses to the Palestinian economy, wiping out more than three years of growth and increasing dramatically the level of unemployment and poverty. The fiscal situation of the Palestinian Authority remains fragile. The drop in domestic tax revenue and the continued withholding of Palestinian tax revenues by Israeli authorities has led to a significant budget deficit in 2001. Generous support from the Arab States, as well as the European Union and Norway, have eased the crisis this year. However, new efforts will be urgently needed. Therefore, a well-coordinated and concerted international relief and assistance effort is essential to address the most pressing needs and gradually improve living conditions. Urgent measures are also needed to remove the restrictions placed on the movement of staff and goods related to the delivery of humanitarian assistance. The United Nations remains at the forefront of efforts to alleviate the severe social and economic hardships of the Palestinian people. The Office of the United Nations Special Coordinator, as well as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Development Programme (UNDP) and many other bodies continue their work in the region, adjusting the focus of their activities as required by the current humanitarian emergency. I should like to use this occasion to call once again upon the international donor community to provide adequate funding to UNRWA so that it can continue to deliver the necessary services to the Palestinian refugees. Donor assistance is especially vital at a time when the humanitarian situation is so critical.

20. As the General Assembly has underscored on many occasions, achieving a final and peaceful settlement of the question of Palestine, the core issue of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East. I hope that there will also be movement on the Syrian and Lebanese tracks so that peace, security and stability may be achieved for all peoples in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973).

21. For its part, the United Nations will continue to support the resumption of the peace process and to respond in a coherent and integrated way to the economic, social, humanitarian and other needs of the population in the West Bank and Gaza. I call upon the international community to provide the necessary resources in support of the United Nations programmes to address the deteriorating economic and humanitarian situation of the Palestinian people.

22. I should like to pay special tribute to Terje Roed-Larsen, United Nations Special Coordinator and my Personal Representative, and to the staff of the Office of the Special Coordinator, as well as to the staff of UNRWA and other United Nations agencies, all of whom have rendered sterling service while working under increasingly demanding and difficult circumstances.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and bioethics

Report of the Secretary-General*

I. Introduction

1. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/71 took note of the report of the Secretary-General on human rights and bioethics (E/CN.4/2001/93) and invited the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Office of the United Nations High Commissioner for Human Rights and the other United Nations bodies and specialized agencies concerned to report to the Secretary-General on the activities conducted in their respective areas to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account. The Economic and Social Council, in its decision 2001/273 of 24 July 2001, endorsed the resolution of the Commission.

2. The Commission also invited the Secretary-General to draw up proposals, on the basis of these contributions for consideration by the General Assembly at its fifty-sixth session, concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system and to consider establishing a working group of independent experts from, inter alia, UNESCO, WHO and the World Intellectual Property Organization (WIPO), which would reflect, in particular, on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights, and which would report to the Secretary-General within a period to be determined by him.

3. By communications dated 7 and 8 June 2001, the Secretary-General invited Member States and the relevant United Nations bodies and specialized agencies to submit their contributions, pursuant to that resolution, to the Office of the United Nations High Commissioner for Human Rights by 29 June 2001.

4. By 27 July 2001, replies had been received from the Governments of Costa Rica, Cuba, Mexico, Nicaragua, Switzerland and the United States of America, and from UNESCO, WHO and the International Labour Office (ILO). The United Nations Population Fund (UNFPA) replied that it is currently reviewing its position regarding this complex subject.

* The date of issuance of the present report is due to the late submission of contributions from Governments and United Nations agencies.

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II. Replies received from Governments

5. The Government of Cuba referred to the importance of efforts made within the United Nations system to promote a life sciences ethic and, in particular, the aim of the genuine realization of the right of all individuals and peoples, without discrimination of any kind, to enjoy the benefits of scientific and technological progress. The Government highlighted the fact that Cuba was a sponsor of General Assembly resolution 53/152 of 9 December 1998, which endorsed the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of UNESCO on 11 November 1997, and expressed its support for any effort made towards a peaceful use of science and the international cooperation needed to guarantee it. Additional comments provided by the Government of Cuba will be included in the report of the Secretary-General to the fifty-ninth session of the Commission on Human Rights.

6. The Governments of Switzerland and the United States of America indicated that they had no proposal, at this stage, regarding the coordination of the activities of the United Nations on bioethics.

7. The replies received from Costa Rica, Mexico and Nicaragua addressed various aspects of the Commission resolution but did not include any specific proposal pertaining to the core subject of this report, namely, the coordination of activities and thinking on bioethics throughout the United Nations system. Therefore, the relevant comments contained therein will be reflected in the report of the Secretary-General to the fifty-ninth session of the Commission on Human Rights.

III. Replies received from the specialized agencies of the United Nations

8. UNESCO referred to the International Bioethics Committee and the Intergovernmental Bioethics Committee, highlighting their membership and functions. It recalled the work of the International Bioethics Committee since 1993 in preparing the Universal Declaration on the Human Genome and Human Rights, noting that this was adopted by the General Conference of UNESCO in 1997 and endorsed by the General Assembly in 1999. With regard to the invitation by the Commission on Human Rights to the Secretary-General to consider establishing a working group of independent experts, UNESCO was of the view that the establishment of a high-level group of policy decision makers would be potentially the most constructive way forward.

9. At the conclusion of its second session, held in Paris from 14 to 16 May 2001, the Intergovernmental Bioethics Committee adopted a series of recommendations. The attention of the Office of the High Commissioner was drawn to recommendation 17, in which the Intergovernmental Bioethics Committee supported the initiative of the Director-General of UNESCO proposing the creation of an inter-agency committee with the task of improving coordination of the activities in bioethics of different organizations and invited him to act on it as soon as possible (see annex I). The Director-General took the initiative of convening a one-day meeting, held at UNESCO headquarters, on Monday 17 September 2001, with a view to establishing this inter-agency Committee.

10. WHO provided details on its activities, which aim to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account. On the one hand, a health and human rights strategy is being developed for the organization as a whole, with a view to integrating human rights principles and standards in the design, implementation, monitoring and evaluation of health policies and programmes. On the other hand, bioethics is a cross-cutting subject that spans a range of ongoing WHO programmes, including health research involving human subjects, ethical and social issues raised by the new scientific and technological advances in genetics and related biotechnology, ethical dilemmas in the testing and introduction of vaccines and ethical issues in health resource allocation.

11. Bioethics and human rights are two disciplines often pursued in isolation while having similar ends. Bioethical contributions to resource allocation and equity might inform the bodies charged with responsibility for human rights monitoring with regard to the realization of the right to health. There is a potential usefulness in applying human rights norms to such fields as research on human subjects and ethical issues raised in genomics. Such an initiative could be undertaken and developed through cooperation

between the United Nations staff with professional experience in the relevant fields and professionals and community representatives from various countries.

12. Among the examples of its specific work in areas involving bioethics, WHO referred to its inter-cluster initiative, within the Department of Management of Noncommunicable Diseases, to develop a strategic plan with specific topics that could be addressed by WHO in respect of ethical, legal and social issues related to genomics, with an emphasis on developing countries. Reference was also made to the ethics in health research involving human subjects (the Global Forum for Bioethics in Research), the pursuit of equity in health resource allocation and WHO training programmes in the ethical review of research throughout the developing world (see annex II).

13. Referring to its bioethics-related activities, the International Labour Office drew attention to two of the ILO codes of practice, entitled *Protection of Workers' Personal Data*, adopted in 1996, and *Technical and Ethical Guidelines for Workers' Health Surveillance*, adopted in 1997. Reference was made to specific provisions of both codes of practice. The code on the protection of workers' rights states that genetic screening should be prohibited or limited to cases explicitly authorized by national legislation (para. 6.12). The guidelines specify that at present, it is generally believed that genetic screening in relation to work is a disproportionate infringement of individual rights. Current knowledge is not sufficient to warrant its use for an occupational health purpose (para. 3.20).

IV. Office of the United Nations High Commissioner for Human Rights

14. In paragraph 5 of resolution 2001/71, the Commission on Human Rights invited the United Nations High Commissioner for Human Rights to pay all due attention to the question of bioethics within her area of competence. Accordingly, the High Commissioner will organize a consultation of high-level experts on human rights and bioethics to discuss the implementation of the Universal Declaration on the Human Genome and Human Rights. The Office of the High Commissioner is currently engaged in consultations with United Nations specialized agencies to improve coordination on the question of human rights and bioethics.

V. Coordination of activities

15. In paragraph 4 of resolution 2001/71, the Commission invited the Secretary-General to draw up proposals concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system.

16. The Secretary-General has received contributions from the specialized agencies reflecting a wide range of activities being carried out by each agency. They also provide useful information on consultations being carried out to ensure cooperation and coordination within the United Nations system. The Secretary-General realizes that there is an enormous potential for and need to consolidate coordination and cooperation between the Office of the High Commissioner, the different United Nations human rights bodies and other specialized agencies within the United Nations system. From the perspective of the United Nations reform programme, a central place should be assigned to human rights in this context to ensure their mainstreaming within the whole set of United Nations activities.

17. In the light of the above, it will be necessary to assess whether the establishment of a working group of independent experts, as suggested by the Commission on Human Rights, or a high-level group of policy makers, as proposed by UNESCO, are the best way to ensure effective cooperation and coordination of activities and further reflection and follow-up on the implementation of the Universal Declaration on the Human Genome and Human Rights.

18. Given the work carried out by UNESCO in its ongoing initiatives, its proposal offers a useful way both to make full and efficient use of the expertise within the United Nations system and to ensure incorporation of the concerns of the United Nations human rights organs in policy decision-making.

19. The Secretary-General is of the view that responsibility for further action be allocated to the bodies or agencies that have already developed programmes of activities in this field. Therefore, he would recommend that UNESCO and WHO, in cooperation with the Office of the High Commissioner, be requested to carry out further consultations with other United Nations bodies and the specialized agencies on the best ways to ensure effective cooperation and coordination of activities and further

reflection and follow-up on the implementation of the Universal Declaration on the Human Genome and Human Rights. Such consultations should consider, inter alia, the inter-agency committee proposed by UNESCO, the working group of independent experts, as suggested by the Commission on Human Rights, as well as the mandate of such bodies, and the outcome of the consultations should be included in a report to the General Assembly at its next session.

Annex I

Response of the United Nations Educational, Scientific and Cultural Organization

The International Bioethics Committee is composed of 36 top-level specialists, from all regions, in the fields of medicine, biology, genetics, law, philosophy, social and human sciences, who are appointed by me in their personal capacities. In 1993, the Committee was entrusted with the task of preparing an international instrument on the human genome, the Universal Declaration on the Human Genome and Human Rights, which was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1997 and endorsed by the General Assembly of the United Nations in 1998. The Declaration is the first worldwide instrument in the field of biology, medicine and genetics. The International Bioethics Committee has favoured a pragmatic approach based on the latest advances in genetics and its applications. It encourages synergy among all national ethics committees worldwide and all associations involved in this field, thereby ensuring follow-up to the Declaration. Research on embryonic stem cells is currently one of its main concerns, which has resulted in the publication of its report on the use of embryonic stem cells in therapeutic research. The Intergovernmental Bioethics Committee is composed of the representatives of 36 Member States elected by the General Conference of UNESCO.

Notwithstanding the notable successes achieved in this area, it is clear that, as has been documented in the proceedings of these bodies, many obstacles remain. In particular, specific issues, such as the use of embryonic stem cells in therapeutic research, and the intellectual property issue related to genomics, and more generally to biotechnologies, are still unresolved. Such obstacles, which are fundamentally of a political or institutional nature, may not be solved by the creation of a new working group of independent experts, as recommended by Commission on Human Rights resolution 2001/71. A new initiative, such as the establishment of a high-level group of policy decision makers, may potentially be the most constructive way forward.

If, moreover, the idea of preparing a universal text on bioethics were taken up, UNESCO could take the lead and entrust the operation to the International Bioethics Committee and the Intergovernmental Bioethics Committee, for reasons of efficiency and in order to avoid duplication of efforts and the wasting of precious resources. Taking advantage of these existing bodies, consultations are proceeding in this connection. The Intergovernmental Bioethics Committee has already been consulted, at its second session, held in Paris from 14 to 16 May 2001, and the International Bioethics Committee and the Executive Board of UNESCO will soon be consulted also in order to ascertain whether there is general support for such a standard-setting activity within the scientific community and from Member States.

It is clear that all these endeavours would require strong inter-agency cooperation, involving, in addition to UNESCO, the Office of the United Nations High Commissioner for Human Rights, the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO) and other sister agencies and institutions. Accordingly, it would be appropriate to establish an inter-agency committee on bioethics, as is recommended in the Guidelines for the Implementation of the Universal Declaration on the Human Genome and Human Rights, endorsed by the General Conference of UNESCO at its thirtieth session.

Annex II

Response of the World Health Organization

The World Health Organization (WHO) welcomes the opportunity to report to the Secretary-General on the activities conducted by the Organization to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account and to suggest ways in which proper coordination of activities and thinking on bioethics could be ensured throughout the United Nations system.

WHO has increased its level of activity in recent years in both fields. Focal points have been established through recruitment of individuals with professional backgrounds in these fields.

The Organization's work in bioethics spans a range of programmes, including:

- Ethical issues in health resource allocation;
- Ethics of health research involving human subjects;
- Ethical and social issues raised by new scientific and technological advances in genetics and related biotechnology;
- Ethical dilemma in the testing and introduction of vaccines;
- Allocation of the burdens of home care.

WHO construes bioethics broadly and seeks to illuminate the ethical choices that arise in areas of greatest need, in addition to those posed by scientific advances.

In the field of health and human rights, WHO is pursuing two mutually reinforcing tracks of work. The first is to develop a health and human rights strategy for the organization as a whole. The second is to expand technical work to demonstrate the practical application of human rights in the health field. The three overall areas of work identified in the evolving strategy are:

- Developing a health and human rights approach within WHO, which entails integrating human rights principles and standards in designing, implementing, monitoring and evaluating health policies and programmes;
- Developing the capacity of Member States to integrate human rights in health;
- Advancing the international human rights agenda relating to health.

Although bioethics and human rights are often pursued in isolation, they have similar ends. Human rights refer to an internationally agreed upon set of principles and norms embodied in international legal instruments, while bioethics is seen in terms of reflection on past traditions and beliefs and the attempt to reach reasoned consensus in the midst of the dilemmas posed both by new technology and by re-evaluation of current health practices in the light of changing social norms.

WHO has instituted a series of seminars covering both bioethics and health and human rights and there is frequent consultation among staff in both fields.

The notion that there should be a division of labour between bioethics and human rights has been more firmly based in practice than in theory. Different people tend to be drawn into these two fields, whether at WHO or elsewhere, and those who work in one of them do not always keep up with developments in the other. This has been true worldwide in Governments, non-governmental organizations and in academia, and it is widely recognized that the negotiation of the terms of cooperation between these fields is an important task for the near future.

One area in which collaboration may be particularly fruitful is the right to health, where bioethical contributions to resource allocation and equity may inform the bodies charged with responsibility for human rights monitoring. There can be little doubt of the potential usefulness of applying human rights norms to such a field as research on human subjects and ethical issues raised in genomics, but these need to be worked out over time, preferably through cooperation between staff whose professional backgrounds span these fields, in consultation with professionals and community representatives from many countries.

As an example of a specific work area, within the broad field of bioethics, the Department of

Management of Noncommunicable Diseases has been focusing on genomics. The Department is coordinating an inter-cluster initiative to develop a strategic plan with specific topics that WHO can address in the area of ethical, legal and social issues related to genomics, with an emphasis on developing countries. The Department's role is to ensure that the work plan and agenda incorporate all of the relevant activities of WHO both at Headquarters and in the regional offices. The process of drafting this work plan started in July 2000 when a meeting was held to discuss future directions for WHO in human genetics.

A second example of a bioethical subject that has received much attention at WHO is the ethics of health research involving human subjects. Research projects, in particular those sponsored by Western firms and Governments and carried out in developing countries, have become highly controversial in recent years. WHO has formed a partnership, the "Global Forum on Bioethics in Research", with several other health research organizations, including the National Institutes of Health and the Centers for Disease Control and Prevention (United States of America) and the Medical Research Councils of the United Kingdom of Great Britain and Northern Ireland and South Africa. This Forum meets annually. Moreover, four WHO programmes carry out training workshops on the ethical review of research throughout the developing world.

A third example is the pursuit of equity in health resource allocation. This is a topic addressed within the spheres both of bioethics and health and human rights. WHO's effort in bioethics includes an ambitious research programme involving over 16 philosophers and economists worldwide.